

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

April 30, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

THAD GILBERT COOPER,

Plaintiff,

v.

WRSP Staff, *et al.*,

Defendants.

Civil Action No. 7:23cv00774

MEMORANDUM OPINIONBy: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Thad Gilbert Cooper, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On April 2, 2024, the defendants filed a motion to dismiss, and on the same day, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 14 & 16.) The *Roseboro* notice gave Cooper 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants' motion, the court would "assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading(s)." (*See* ECF No. 16.) The notice further advised Cooper that, if he wished to continue with the case, it was "necessary that [he] respond in an appropriate fashion," and that if he failed to file a response to the motion within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

To date, Cooper has not responded to the motion or the court's notice and, therefore, the court will dismiss this action without prejudice for failure to prosecute.¹

¹ Moreover, to the extent Cooper names Wallens Ridge State Prison "Staff" as defendants, his claims fail because groups of defendants are not proper defendants to a § 1983 action. *See Wells v. S.C.D.F. Emples.*, No. CA 2:10-3111-CMC-BHH, 2011 WL 2472512, at *2 (D.S.C. May 19, 2011) (collecting authority for the proposition that group defendants such as "medical staff" are not proper defendants under § 1983), *report and*

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 30th day of April, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

recommendation adopted, No. CA 2:10-3111-CMC-BHH, 2011 U.S. Dist. LEXIS 67315, 2011 WL 2463066 (D.S.C. June 21, 2011).